

1  
2  
3  
4  
5

## IN THE UNITED STATES DISTRICT COURT

6  
7  
8  
9

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

10

JAMES LA VELL HARRIS,

11

Plaintiff,

No. C 15-05580 WHA

12

v.

13

LAKE COUNTY, ET AL.,

14

Defendant.

---

**ORDER REVOKING IN FORMA  
PAUPERIS STATUS ON APPEAL**

15

16  
17  
18  
19  
20  
21  
22  
23

A previous order dismissed plaintiff James Harris' pro se complaint as plainly frivolous and allowed him to seek leave to amend (Dkt. No. 10). The complaint alleged that plaintiff is a lifetime user of marijuana and that defendants Lake County Sheriff's Department and several of its officers discriminated against him by failing to provide him with marijuana while he was in jail. The order dismissing the complaint also noted that plaintiff is no stranger to the federal courts and has filed several civil actions in this district alleging that the Lake County Sheriff's Department denied him "access to and the use of both spiritual and medical marijuana" (Compl. at ¶28).

24  
25  
26  
27  
28

Now, our court of appeals has referred plaintiff's appeal to the district court to determine whether plaintiff's in forma pauperis status should continue on appeal. In *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002), our court of appeals held that revocation of IFP status is appropriate where the district court finds the appeal to be frivolous. Based on plaintiff's allegations, his declination to seek leave to amend his complaint, and his pattern of

1 filing frivolous lawsuits, this order finds plaintiff's appeal to be frivolous and hereby **REVOKESEN**  
2 **PLAINTIFF'S IFP STATUS.** The **CLERK SHALL PLEASE SERVE THIS ORDER** on the United States  
3 Court of Appeals for the Ninth Circuit.

4

5 **IT IS SO ORDERED.**

6

7 Dated: March 8, 2016.

8

*Wm. Alsup*  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28